

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Gerald (Jerry) Bennett, on February 20, 2015 at 8:00 AM, in Room 137 Capitol

#### ROLL CALL

**Members Present:**

Rep. Gerald (Jerry) Bennett, Chair (R)  
Rep. Alan Doane, Vice Chair (R)  
Rep. Seth Berglee (R)  
Rep. Clayton Fiscus (R)  
Rep. Stephanie Hess (R)  
Rep. Ellie Boldman Hill (D)  
Rep. Kathy Kelker (D)  
Rep. Sarah Laszloffy (R)  
Rep. Margaret (Margie) MacDonald (D)  
Rep. Theresa Manzella (R)  
Rep. Nate McConnell (D)  
Rep. G. Bruce Meyers (R)  
Rep. Matthew Monforton (R)  
Rep. Carolyn Pease-Lopez (D)  
Rep. Zac Perry (D)  
Rep. Andrew Person (D)  
Rep. Randall Pinocci (R)  
Rep. Keith Regier (R)  
Rep. Kirk Wagoner (R)

**Members Excused:** Rep. Virginia Court, Vice Chair (D)  
Rep. Jennifer Eck (D)

**Members Absent:** None

**Staff Present:** McKenzie Chambers, Committee Secretary  
Helen Thigpen, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 397, 2/16/2015; HB 398, 2/16/2015; HB 446, 2/16/2015; HB 492, 2/16/2015; HB 497, 2/16/2015; HB 533, 2/16/2015

Executive Action: HB 227, HB 281, HB 463, HB 474, HB 477, HB 482, HB 490, HB 516, HB 518, HB 530

00:01:03 Chair J. Bennett

**HEARING ON HB 492**

**Opening Statement by Sponsor:**

00:01:41 Rep. Casey Schreiner (D), HD 25, opened the hearing on HB 492, Revise membership of the multi-agency reentry task force.

**EXHIBIT(juh39a01)**

**Proponents' Testimony:**

00:01:46 Rep. Court joined the meeting.

00:03:59 Jim Ahrens, Great Falls Pre-Release Center

**Opponents' Testimony:** None

**Informational Testimony:**

00:04:36 Adrienne Slaughter, Government Relations Director, Director's Office, Department of Corrections (DOC)

**Questions from Committee Members and Responses:**

00:04:57 Rep. MacDonald

00:05:18 Adrienne Slaughter, DOC

00:05:24 Rep. MacDonald

00:05:29 Adrienne Slaughter, DOC

00:05:42 Rep. MacDonald

00:05:59 Adrienne Slaughter, DOC

00:06:22 Rep. Meyers

00:07:02 Rep. Schreiner

00:07:30 Rep. Meyers

00:08:03 Rep. Schreiner

00:08:26 Rep. Meyers

**Closing by Sponsor:**

00:08:50 Rep. Schreiner

**HEARING ON HB 398**

**Opening Statement by Sponsor:**

00:10:00 Rep. Tom Richmond (R), HD 56, opened the hearing on HB 398, Revise laws relating to the recovery of attorney fees in resource permitting.

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:13:45 Derf Johnson, Montana Environmental Information Center (MEIC)

00:17:17 Al Smith, Montana Trial Lawyers Association (MTLA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:21:26 Rep. MacDonald  
 00:22:23 Al Smith, MTLA  
 00:22:54 Rep. Monforton  
 00:23:43 Rep. Tom Richmond  
 00:25:18 Rep. McConnell  
 00:25:46 Rep. Tom Richmond  
 00:25:47 Rep. McConnell  
 00:26:13 Rep. Tom Richmond  
 00:26:49 Rep. Court  
 00:27:23 Rep. Tom Richmond  
 00:28:07 Rep. Court  
 00:28:17 Rep. Tom Richmond  
 00:28:26 Chair J. Bennett

**Closing by Sponsor:**

00:28:45 Rep. Tom Richmond

**HEARING ON HB 497**

**Opening Statement by Sponsor:**

00:29:53 Rep. Bryce Bennett (D), HD 91, opened the hearing on HB 497, Providing immunity from certain prosecutions for person seeking medical care.

[\*\*EXHIBIT\(juh39a02\)\*\*](#)

**Proponents' Testimony:**

00:33:28 Niki Zupanic, ACLU of Montana  
 00:35:33 Braden Fitzgerald, Montana Public Interest Research Group (MontPIRG)  
 00:37:57 Garrett Lankford, Associated Students of Montana State University (ASMSU)

**Opponents' Testimony:**

00:38:37 Larry Epstein, Montana County Attorneys Association (MCAA)

**Informational Testimony:**

00:40:48 Lynn Zanto, Administrator, Rail, Transit and Planning, Department of Transportation (MDT)

**Questions from Committee Members and Responses:**

00:41:54 Rep. Meyers  
 00:42:38 Rep. B. Bennett  
 00:43:13 Rep. Kelker  
 00:43:43 Rep. B. Bennett  
 00:45:10 Rep. MacDonald  
 00:45:40 Rep. B. Bennett  
 00:46:30 Rep. MacDonald  
 00:46:50 Rep. B. Bennett

00:47:28 Rep. Doane  
00:48:10 Larry Epstein, MCAA  
00:49:51 Rep. Hill  
00:50:25 Larry Epstein, MCAA

**Closing by Sponsor:**

00:51:25 Rep. B. Bennett

**HEARING ON HB 397**

**Opening Statement by Sponsor:**

00:53:50 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 397, Revise adoption laws related to release of birth certificates to adoptees.

[EXHIBIT\(juh39a03\)](#)

[EXHIBIT\(juh39a04\)](#)

**Proponents' Testimony:**

00:54:03 Rep. Eck joined the meeting.  
01:00:48 Beth Jaffe, Concern United Birthparents (CUB)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:04:50 Rep. Wagoner  
01:05:55 Rep. Dudik  
01:06:30 Chair J. Bennett

**Closing by Sponsor:**

01:06:39 Rep. Dudik

**HEARING ON HB 533**

**Opening Statement by Sponsor:**

01:07:09 Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 533, Generally revise concealed weapon laws.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:13:32 Rep. McConnell  
01:13:58 Rep. Wagoner  
01:14:28 Rep. Kelker  
01:15:00 Rep. Wagoner  
01:15:28 Rep. Kelker

01:15:55 Rep. Wagoner  
01:16:11 Rep. Court  
01:16:48 Rep. Wagoner  
01:17:41 Rep. Court  
01:17:49 Rep. Wagoner  
01:18:02 Rep. Monforton  
01:18:32 Rep. Wagoner  
01:18:43 Rep. Monforton  
01:19:15 Rep. Wagoner  
01:19:37 Rep. MacDonald  
01:20:49 Helen Thigpen, Legislative Services Division (LSD)

**Closing by Sponsor:**

01:21:03 Rep. Wagoner

**HEARING ON HB 446****Opening Statement by Sponsor:**

01:21:36 Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 446, Revise campaign finance laws to authorize attorney fees for prevailing party.

[\*\*EXHIBIT\(juh39a05\)\*\*](#)

**Proponents' Testimony:**

01:31:55 Jim Brown, Self

[\*\*EXHIBIT\(juh39a06\)\*\*](#)

01:43:24 Al Smith, Montana Trial Lawyers Association (MTLA)

**Opponents' Testimony:**

01:45:28 Jaime MacNaughton, General Counsel, Commissioner of Political Practices (COPP)

[\*\*EXHIBIT\(juh39a07\)\*\*](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:51:33 Rep. Monforton  
01:52:01 Jaime MacNaughton, COPP  
01:52:07 Rep. Monforton  
01:52:19 Jaime MacNaughton, COPP  
01:52:34 Rep. Monforton  
01:53:05 Jaime MacNaughton, COPP  
01:53:28 Rep. Monforton  
01:53:52 Jaime MacNaughton, COPP  
01:54:04 Rep. Kelker  
01:54:37 Rep. Wagoner  
01:56:39 Rep. Kelker  
01:56:58 Rep. Wagoner  
01:57:13 Rep. McConnell  
01:58:12 Jaime MacNaughton, COPP  
01:59:19 Rep. McConnell

01:59:39 Jaime MacNaughton, COPP  
01:59:45 Rep. McConnell  
01:59:53 Jaime MacNaughton, COPP  
02:00:14 Rep. McConnell  
02:00:48 Jaime MacNaughton, COPP  
02:01:05 Rep. Pinocci  
02:02:00 Jim Brown, Self  
02:02:31 Rep. Pinocci  
02:02:45 Jim Brown, Self  
02:03:29 Rep. Pinocci  
02:04:11 Jim Brown, Self  
02:05:19 Rep. Hill  
02:05:54 Jaime MacNaughton, COPP  
02:06:11 Rep. Laszloffy  
02:06:46 Rep. Wagoner  
02:08:03 Rep. Manzella  
02:09:54 Jaime MacNaughton, COPP  
02:10:15 Chair J. Bennett  
02:10:38 Mary Baker, Program Supervisor, Commissioner of Political Practices (COPP)  
02:11:57 Rep. Kelker  
02:12:37 Rep. Wagoner  
02:12:40 Rep. Fiscus left the meeting.  
02:14:17 Rep. Kelker  
02:14:45 Rep. Wagoner  
02:16:17 Rep. Eck  
02:17:07 Jaime MacNaughton, COPP  
02:17:36 Rep. Eck  
02:17:57 Jaime MacNaughton, COPP  
02:18:35 Rep. Monforton  
02:19:04 Jaime MacNaughton, COPP  
02:19:12 Rep. Monforton  
02:19:53 Jaime MacNaughton, COPP  
02:20:20 Rep. Pinocci  
02:21:13 Jim Brown, Self  
02:21:37 Jim Brown, Self  
02:21:42 Chair J. Bennett  
02:22:32 Jaime MacNaughton, COPP  
02:22:59 Chair J. Bennett

**Closing by Sponsor:**

02:23:06 Rep. Wagoner  
  
02:24:10 Chair J. Bennett  
  
02:26:30 Recessed  
03:13:11 Reconvened  
  
03:13:11 Rep. Berglee and Rep. Fiscus absent.  
03:13:12 Chair J. Bennett

**EXECUTIVE ACTION ON HB 281**

03:13:46     **Motion:** Rep. Doane moved that **HB 281 DO PASS.**

**Discussion:**

03:13:58     Helen Thigpen, LSD

03:14:28     **Motion:** Rep. Doane moved that **HB 281 BE AMENDED.**  
**EXHIBIT(juh39a08)**

**Discussion:**

03:14:32     Rep. Regier

03:15:15     **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fiscus voted by proxy.

03:15:29     **Motion:** Rep. Doane moved that **HB 281 DO PASS AS AMENDED.**

03:15:37     **Motion:** Rep. Doane moved that **HB 281 BE AMENDED.**  
**EXHIBIT(juh39a09)**

**Discussion:**

03:15:51     Helen Thigpen, LSD

03:16:58     Rep. McConnell

**EXHIBIT(juh39a10)**

03:17:07     Helen Thigpen, LSD

03:17:25     Rep. Eck

03:17:56     Rep. Doane

03:18:30     Rep. Court

03:19:02     **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Berglee and Rep. Fiscus voted by proxy.

03:19:58     **Motion:** Rep. Doane moved that **HB 281 DO PASS AS AMENDED.**

03:20:05     **Motion:** Rep. Doane moved that **HB 281 BE AMENDED.**  
**EXHIBIT(juh39a11)**

**Discussion:**

03:20:10     Rep. Regier

03:20:51     Chair J. Bennett

03:21:00     **Vote:** Motion carried 20-1 by voice vote with Rep. Kelker voting no. Rep. Berglee and Rep. Fiscus voted by proxy.

03:21:15     **Motion:** Rep. Doane moved that **HB 281 DO PASS AS AMENDED.**

**Discussion:**

03:21:31 Rep. Kelker  
03:22:30 Rep. Hess  
03:22:57 Rep. Person  
03:23:31 Rep. Regier

03:24:02 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. Laszloffy, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Berglee and Rep. Fiscus voted by proxy.

**EXECUTIVE ACTION ON HB 463**

03:25:03 **Motion:** Rep. Doane moved that **HB 463 DO PASS.**

[EXHIBIT\(juh39a12\)](#)

[EXHIBIT\(juh39a13\)](#)

**Discussion:**

03:25:11 Helen Thigpen, LSD  
[EXHIBIT\(juh39a14\)](#)

03:26:07 **Motion:** Rep. Doane moved that **HB 463 BE AMENDED.**

**Discussion:**

03:26:15 Helen Thigpen, LSD

03:27:20 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fiscus voted by proxy.

03:27:34 **Motion/Vote:** Rep. Doane moved that **HB 463 DO PASS AS AMENDED.**  
Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fiscus voted by proxy.

**EXECUTIVE ACTION ON HB 474**

03:28:09 **Motion:** Rep. Doane moved that **HB 474 DO PASS.**

**Discussion:**

03:28:15 Helen Thigpen, LSD  
03:28:30 Rep. Eck

03:30:48 **Vote:** Motion carried 13-8 by roll call vote with Rep. J. Bennett, Rep. Berglee, Rep. Doane, Rep. Fiscus, Rep. Monforton, Rep. Pinocci, Rep. Regier and Rep. Wagoner voting no. Rep. Berglee and Rep. Fiscus voted by proxy.

**EXECUTIVE ACTION ON HB 477**

03:31:54 **Motion:** Rep. Doane moved that **HB 477 DO PASS.**

**Discussion:**

03:32:04 Helen Thigpen, LSD

03:32:26 Chair J. Bennett

03:33:50 Rep. Court

03:35:12 Rep. Regier

03:35:56 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Berglee and Rep. Fiscus voted by proxy.

**EXECUTIVE ACTION ON HB 482**

03:36:58 **Motion:** Rep. Doane moved that **HB 482 DO PASS.**

**Discussion:**

03:37:05 Helen Thigpen, LSD

03:37:35 **Vote:** Motion carried unanimously by roll call vote. Rep. Berglee and Rep. Fiscus voted by proxy.

**EXECUTIVE ACTION ON HB 490**

03:38:28 **Motion:** Rep. Doane moved that **HB 490 DO PASS.**

**EXHIBIT(juh39a15)****Discussion:**

03:38:42 Helen Thigpen, LSD

03:39:17 Rep. Eck

03:40:02 Rep. Pease-Lopez

03:42:44 Rep. McConnell

03:43:11 Rep. Meyers

03:43:39 Rep. Regier

03:44:24 Rep. Eck

03:45:12 **Vote:** Motion failed 10-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye. Rep. Berglee and Rep. Fiscus voted by proxy.

03:46:05 Rep. Meyers

03:46:15 Rep. Monforton

03:46:30 Chair J. Bennett

03:46:55 **Motion/Vote:** Rep. Doane moved that **HB 490 BE TABLED**. Motion carried 19-0 by voice vote. Rep. Berglee and Rep. Fiscus were excused.

03:47:09 Rep. Monforton moved **TO CHANGE HIS VOTE ON HB 482 FROM A NO TO A YES**.

**EXECUTIVE ACTION ON HB 516**

03:47:34 **Motion:** Rep. Doane moved that **HB 516 DO PASS**.

**Discussion:**

03:47:40 Helen Thigpen, LSD

03:48:19 Rep. MacDonald

03:48:59 Rep. Pease-Lopez

03:50:05 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fiscus voted by proxy.

**EXECUTIVE ACTION ON HB 518**

03:50:21 **Motion:** Rep. Doane moved that **HB 518 DO PASS**.

**Discussion:**

03:50:26 Helen Thigpen, LSD

03:51:00 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fiscus voted by proxy.

**EXECUTIVE ACTION ON HB 530**

03:51:17 **Motion:** Rep. Doane moved that **HB 530 DO PASS**.

**Discussion:**

03:51:24 Helen Thigpen, LSD

03:51:56 Rep. Hill

03:53:04 Rep. Meyers

03:54:11 Rep. MacDonald

03:56:18 Rep. Hill

03:57:07 Rep. Wagoner

03:58:09 Rep. MacDonald

03:59:13 Rep. Court

03:59:23 **Vote:** Motion failed 10-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye. Rep. Berglee and Rep. Fiscus voted by proxy.

04:00:26 **Motion/Vote:** Rep. Doane moved that **HB 530 BE TABLED**. Motion carried 19-0 by voice vote. Rep. Berglee and Rep. Fiscus were excused.

### **EXECUTIVE ACTION ON HB 227**

04:00:35 **Motion:** Rep. Doane moved that **HB 227 BE REMOVED FROM TABLE**.

#### **Discussion:**

04:00:39 Chair J. Bennett

04:01:48 **Vote:** Motion carried 18-1 by voice vote with Rep. Laszloffy voting no.

04:02:28 **Motion/Vote:** Rep. Doane moved that **HB 227 DO PASS**. Motion carried 18-3 by voice vote with Rep. Hess, Rep. Laszloffy and Rep. Pinocci voting no. Rep. Berglee and Rep. Fiscus voted by proxy.

### **EXECUTIVE ACTION ON HB 137**

04:03:25 **Motion:** Rep. Hill moved that **HB 137 BE REMOVED FROM TABLE**.

#### **Discussion:**

04:04:48 Rep. Hill

[EXHIBIT\(juh39a16\)](#)

04:04:03 Helen Thigpen, LSD

04:04:17 Chair J. Bennett

04:04:32 Rep. Hill

04:05:15 Rep. Regier

04:05:17 Rep. Hill

04:06:23 Chair J. Bennett

04:06:35 **Vote:** Motion failed 9-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye.

04:08:05 Chair J. Bennett

04:08:45 Helen Thigpen, LSD

04:09:11 Chair J. Bennett

**ADJOURNMENT**

Adjournment: 04:09:30

Upon arrival of fiscal notes, Chairman J. Bennett approved the passing of HB 425, HB 457 and HB 535 out of committee.

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McKenzie Chambers, Secretary

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Additional Documents:

**EXHIBIT**([juh39aad.pdf](#))